

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
April 3, 2014
5:30 PM

Vice Chairman Mr. Krick called the meeting to order.

ATTENDANCE: Mr. Mackie, Mr. Simmons, Mr. Turnquist, Mr. Krick, Mr. Arthur

ABSENT: Mr. Borgman, excused; Mr. Kolberg

STAFF: H. Mitchell; D. Renkenberger; Chief J. Lewis; K. Briggs, SafeBuilt

OTHERS: L. Jones, 1676 Pine; J. Spencer, 1085 1st St.

MEETING MINUTES:

A motion to approve the regular meeting minutes of March 6, 2014 was made by R. Mackie, supported by E. Simmons and unanimously approved.

OLD BUSINESS:

EN130182 – 1780 Jarman – Linda Jones, 1676 Pine, Muskegon, MI 49442. On March 11, 2014 the City Commission voted to have the owner return to the HBA to set up a reasonable timeline to complete the repairs to the home. They had applied for permits to continue to work on the repairs prior to the March 11 City Commission meeting but they had to be put on hold pending the Housing Board of Appeals determination to accept the timeline and then the permits can be issued. They obtained the following permits: PB140062 – Install Siding, Insulation & Drywall – Expires 9/8/2014; and PE140122 – Update Service, Change Lighting & Add Circuits – Expires 9/8/2014. There was an inspection performed on 3/18/2014 resulting in a list of items that needed to be corrected. There is one permit that is still open – PP130265 – Install Water Heater – expires 5/18/2014.

L. Jones stated that she had come up with a timeline for making the needed repairs that would have the repairs completed in a year. She had pulled permits and was currently working on the electrical. A copy of her plan was provided to board members. K. Briggs asked how long it would be before she put new siding on the home. L. Jones stated that it could be the spring of next year, at the latest. K. Briggs stated that, based on the fact that this was a highly visible corner lot on a main thoroughfare, he preferred that the siding be done sooner. He suggested that Ms. Jones return to the HBA in 2 to 3 months for an update, and that the siding be completed by the end of June. W. Krick agreed that the outside appearance should be a priority, and asked if the house was currently livable. L. Jones stated that it was not. W. Krick asked if it was possible to make the house livable with the amount of fund she had. L. Jones stated that it would

be close. W. Krick asked that L. Jones return to the HBA in June with an update.

A motion to have the applicant, Linda Jones, return to the HBA for their June meeting to provide an update on the progress of improvements to the home was made by R. Mackie, supported by E. Simmons and unanimously approved.

EN140063 – 1357 7th – Julie Spencer, 1085 1st St. Apt 2. Muskegon, MI 49440. Staff emailed Julie to remind her that she was scheduled to provide an update regarding her rehabilitation of the home. She did state that things were going kind of slow because of the weather and her social security. She should have some good news by April. She had her last evaluation for her disability last week & should be getting her back pay soon. She also found a reliable brick layer to replace her basement wall.

J. Spencer updated the board on her progress, stating that it was going slow. The electrician told her that he would work on the electrical box on Wednesday. K. Briggs stated that he had not heard from the electrician yet. He asked J. Spencer what her timeline was for completing the work. J. Spencer explained the setbacks that have prevented her from getting more work done. She stated that she had applied for retirement and was in the process of obtaining pre-approval for a loan. K. Briggs asked her how she planned to fund the repairs. J. Spencer stated that she expected her social security payments to start in about 3 months. K. Briggs asked the board if they wanted to wait that long. B. Turnquist wanted to ascertain where the income was coming from to do the extensive repairs that were required. J. Spencer stated that, in addition to social security, she was working on an application for disability. W. Krick stated that he would like a written accounting of where the funds were coming from by the following month. He was concerned that she was getting in over her head. J. Lewis asked if the property taxes were up to date, and if the house was insured due to what she has invested in the home already. J. Spencer stated that the house was not insured. H. Mitchell stated that the taxes were up to date. B. Turnquist asked how long the case had been going on. J. Spencer stated that it had been about a year. Board members discussed their views on the case. R. Mackie stated that the homeowner had invested money into repairs, kept up with the taxes and was interested in saving the structure. E. Simmons agreed to a point. He stated that retirement income could take a long time before it came in. J. Spencer stated that she had already applied. Board members discussed the status of her disability application. J. Lewis suggested that the board require that she update her timeline for repairs and work with Kirk, obtain insurance, and keep up on the taxes. W. Krick stated that he would like to see a monthly update.

A motion to have the applicant return to the next monthly meeting with an update on her income situation and homeowners insurance, and to show that some progress had been made, was made by R. Mackie, supported by E. Simmons and unanimously approved.

DANGEROUS BUILDING:

EN140063 – 1747 7th St. – Van Slooten Tree Farms, INC., 870 Jefferson, Muskegon, MI 49440.

K. Briggs, Building Official for SAFEbuilt, had sent this case to staff due to the structure's roof having caved in. No permits had been applied for, to repair this. A Notice & Order was mailed out on 2/18/2014 asking the owner to contact SAFEbuilt to schedule an inspection within 15 days of the notice or to obtain a permit within 30 days of the notice. The owner did schedule an inspection for the end of the month with SAFEbuilt. Since the notice for this meeting was completed at the same time; staff felt it was best to still have it ready to do what was needed. Once the inspection is completed and if the owner applies for the necessary permits; then staff may ask to have this removed from the agenda or tabled. Staff provided a copy of the inspection report that had gone out with the Notice & Order.

K. Briggs stated that the owner was not present at the meeting, but he had spoken with him last Tuesday. The owner had vehicles stored in the building but it was in rough shape and had no working fire suppression. He would not let K. Briggs into parts of the building, due to it being too dangerous. The owner had indicated that he wanted to fix the building, but K. Briggs believed it to be unrepairable. J. Lewis suggested tabling the case until the owner could be present at the next meeting. He did not want to send the case to City Commission and have the owner show up there and request a reprieve. Should the owner not attend the next meeting, then they could proceed with City Commission approval then. B. Arthur stated that he was concerned with the danger posed by the building in its current condition, and about the items stored there. W. Krick agreed that the building did not appear to be fixable. K. Briggs stated that the building owner would have to provide construction estimates because it was a commercial building, and he believed that may deter the owner from wanting to try and do the repairs. He would also need architecture drawings. E. Simmons asked J. Lewis if the intention to table this so the owner didn't go to the City Commission and ask for more time. J. Lewis stated that was correct, in addition to the fact that there would be a sizable cost to the City to demolish the building. E. Simmons asked if the outside of the building was secure. K. Briggs stated that it appeared fairly secure and keeping people out, but if there was a fire; there is no fire suppression so his concern was that a Fire Fighter could get hurt. B. Turnquist asked if he was able to inspect the entire building. K. Briggs stated that he was not able to access all of it due to its deteriorated condition and he can't go farther than what the owner is willing to allow him to go. J. Lewis stated that if we had cause there was something that is dangerous (like plutonium); then they could get a court injunction that would allow them to go in farther and see. There is concern amongst the board members, Public Safety Director and the Building Official. By tabling this and he doesn't show up to the next meeting either; then when it goes before the City Commission it shows the HBA did give him more than one chance. There was also discussion of the possibility of ticketing the owner for not complying with the order of demolition. There was discussion of the possibility of placing a lien on another property owned by the same owner, provided they own something else in the same state.

A motion to table this case until the next meeting was made by B. Arthur, supported by R. Mackie and approved, with E. Simmons voting nay.

Other:

Blight Fight Map – Staff provided the members with the blight fight map target area. B. Turnquist had asked how the target area was determined. J. Lewis went over how this area came about and we are also focusing on the main corridors also. B. Turnquist was concerned of the area to start with and others may want their areas targeted too. J. Lewis stated that there are some other areas that don't need it as much as others. We are still looking at the entire City but we were starting with a focal area. K. Briggs added that the thoroughfares are in need of cleaning up. There are tarps, dilapidated fences, etc. that needs to be taken care of. B. Turnquist was concerned with the perception of how the area was determined. J. Lewis asked if there should be another area to look at because we will still be going into the other areas as well. W. Krick stated this area does need to be looked at. It is the areas around the school. J. Lewis stated that we are also looking at 246 E. Laketon and 287 E. Laketon, which are out of the target area but are on the main thoroughfare. The first address was a complaint and the other address was noticed since it was across the street.

Dangerous Building Stages – This was provided to the members along with the dangerous building lists. K. Briggs explained how the different phases would let staff know when they can or cannot issue permits. This would also tell staff if something should be referred back to HBA.

766 W Southern – The neighbor had pulled the permit and started the demolition. Before the snow started there was no further work being performed on the removal of the home. Staff and neighbors have been waiting for the permit to expire. When it did, Wendy at SAFEbuilt, sent H. Mitchell an email so we could start the dangerous building process for it and K. Briggs had the pleasure of posting the house.

Garages – Due to the winter we had, many garages did not stand up to it. Many garages have caved in so the defect list for those had been easy. The defect was the garage caved in and a picture is placed on the defect list. There was nothing more to be said. There was a garage on McGraft that had caved in and Ken from SAFEbuilt was at an inspection. The owner asked him about the garage because it had been caved in for a while. Ken took a picture of it and emailed. H. Mitchell and a notice went out and the owner applied for the demolition permit. K. Briggs had asked how we had gotten such a good aerial of the garage and found out Ken (one of his inspectors had obtained it).

1675 Pine – K. Briggs brought up how this former dangerous building had caved in. The County Treasurer had sold this property to a new owner who had agreed that it needed to be demolished. They had then sold it to another person. The garage had finished caving in and ended up blocking the alley as well. H. Mitchell has a good email relationship with the seller and had let them know she sent the new owner a letter letting them know that this would need to be cleaned up. H. Mitchell also let them know that SAFEbuilt could end up sending the new owner a letter giving them two weeks to remove the (basically) pile of building materials. Then, if it wasn't cleaned up; they

would send a contractor out to do it and the current owner would be getting billed for it. K. Briggs stated that this was pretty much cleaned up.

The meeting was adjourned at 6:30 p.m.